

R E M A R K S

Applicants are pleased to note that the claims are free of any prior art rejection.

Claims 6 to 12 were rejected under 35 USC 112, first paragraph, for the reasons set forth on pages 2 to 3 of the enclosed Office Action.

Claims 6 to 12 were rejected under 35 USC 112, second paragraph, for the reasons set forth beginning at the bottom of page 3 and continuing to the top of page 5 of the Office Action.

Claim 6 was amended to avoid the 35 USC 112, first and second paragraph rejections.

The amendments made to the other claims were made to make such claims consistent with amended claim 6.

In the amended claim 6, the preamble has been changed to "A method of selecting the promising candidate nucleotide sequences of analytical oligo nucleic acid for use in an analysis of a target nucleic acid, the promising candidate nucleotide sequences have a high possibility of including a suitable sequence for the analytical oligo nucleic acid". The presently claimed invention is thus directed not to finally determining the sequence of an analytical oligo nucleic acid, but to selecting promising candidates of nucleotide sequences that are highly probable to contain nucleotide sequences that are appropriate for the

analytical oligo nucleic acid. It is respectfully submitted that this fact can be fully understood by a person having ordinary skill in the art from the disclosure in the present specification.

In order to achieve the object of the presently claimed invention, promising candidate nucleotide sequences are selected based on the occurrence frequency index calculated in step (e) of present claim 6 out of all the candidate nucleotide sequences extracted in step (c) of present claim 6. The purpose of this selection is not to determine the nucleotide sequence of the analytical oligo nucleic acid, but to select promising candidate nucleotide sequences. For this reason, the threshold value in step(f) of present claim 6 may not be an absolutely defined numerical value, but may be an arbitrary value that can make it possible to specify them to an appropriate degree. It is respectfully submitted that a person having ordinary skill in the art can easily determine a numerical value for such threshold value so as to achieve the purpose of the selection made in step (f) of present claim 6.

Amended claim 6 recites a final step that coincides with the preamble. Step (a) of claim 6 recites the entering of a nucleotide sequence into a computer (which is supported in the specification on page 9, lines 8 to 14).

Appl. No. 09/918,421
Amdt. dated July 23, 2003
Reply to Office Action of January 27, 2003

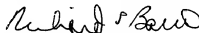
It is therefore respectfully submitted that the present claims comply with all the requirements of 35 USC 112.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Frishauf, Holtz, Goodman
& Chick, P.C.
767 Third Ave., 25th Floor
New York, NY 10017-2023
Tel. Nos. (212) 319-4900
(212) 319-4551/Ext. 219
Fax No.: (212) 319-5101
E-Mail Address: BARTH@FHGC-LAW.COM
RSB/ddf

Respectfully submitted,



Richard S. Barth
Reg. No. 28,180

Enc.: PETITION FOR EXTENSION OF TIME